REMARKS

Claims 1-4, 6, 7, 9-17, 19, 20, 22-28, 30, 31 and 33-35 are pending in the present application. By this Response, claims 1, 10, 12-14, 23, 25 and 34 are amended and claims 8, 21 and 32 are canceled. Applicants respectfully submit that these amendments should be entered into the record as the subject matter has already been addressed by the Office Action. Claims 1, 10, 12-14, 23, 25 and 34 are amended to incorporate subject matter similar to canceled claims 8, 21 and 32. Claims 10, 13, 23 and 34 are further amended for clarity to recite "at least one slot." Reconsideration of the claims is respectfully requested.

I. Claim Objections

The Examiner has objected to claims 10, 13 and 34 for certain informalities. By this Response, claims 10, 13 and 34 have been amended to overcome these objections. Therefore, Applicants respectfully request withdrawal of the objection to the claims.

II. 35 U.S.C. § 102, Alleged Anticipation, Claims 1, 3, 4, 9, 12, 14, 16, 17, 22, 25, 27, 28 and 33

The Office Action rejects claims 1, 3, 4, 9, 12, 14, 16, 17, 22, 25, 27, 28 and 33 under 35 U.S.C. § 102(e), as being allegedly anticipated by Seon (U.S. Patent No. 6,574,755 B1). This rejection is respectfully traversed.

By this response, claims 1, 12, 14 and 25 are amended to incorporate subject matter similar to canceled claims 8, 21 and 32. Furthermore, the Office Action rejected the subject matter of canceled claims 8, 21 and 32 under 35 U.S.C. § 103(a), as being allegedly unpatentable by Seon (U.S. Patent No. 6,574,755 B1) as applied to claims 1, 14 and 25 above, and further in view of Hitchcock et al. (U.S. Patent No. 6,243,833 B1).

The Hitchcock patent and the instant application were, at the time of the invention was made, owned by, or subject to an obligation of assignment to the same person. 35 U.S.C. § 103(c) states:

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> (c) Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

The instant application was filed on or after November 29, 1999. The Hitchcock patent qualifies as prior art only under 35 U.S.C. § 102(e). And, the instant application and the Hitchcock patent were commonly owned or subject to an obligation of assignment to the same person at the time the invention was made. Therefore, the Hitchcock patent cannot be used in a 35 U.S.C. § 103 rejection to preclude patentability. As such, the rejection is improper and should be withdrawn.

In view of the above, Applicants respectfully submit that Seon and Hitchcock, taken alone or in combination, fail to teach or fairly suggest the features of independent claims 1, 12, 14 and 25. At least by virtue of their dependency on independent claims 1, 14 and 25, the features of dependent claims 3, 4, 9, 16, 17, 22, 27, 28 and 33 are not taught by Seon and Hitchcock, whether taken alone or in combination. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 1, 3, 4, 9, 12, 14, 16, 17, 22, 25, 27, 28 and 33 under 35 U.S.C. § 103(a).

III. 35 U.S.C. § 102, Alleged Anticipation, Claims 1, 3, 4, 9-14, 16, 17, 22-25, 27, 28, 33, 34 and 35

The Office Action alternatively rejects claims 1, 3, 4, 9-14, 16, 17, 22-25, 27, 28, 33, 34 and 35 under 35 U.S.C. § 102(e), as being allegedly anticipated by Oberhauser (U.S. Patent No. 6,711,702 B1). This rejection is respectfully traversed.

By this response, claims 1, 10, 12-14, 23, 25 and 34 are amended to incorporate subject matter similar to canceled claims 8, 21 and 32. The Office Action rejected the subject matter of canceled claims 8, 21 and 32 under 35 U.S.C. § 103(a), as being allegedly unpatentable by Oberhauser (U.S. Patent No. 6,711,702 B1) as applied to claims 1, 14 and 25 above, and further in view of Hitchcock et al. (U.S. Patent No. 6,243,833 B1). As discussed above, the Hitchcock patent and the instant application

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were, at the time of the invention was made, owned by, or subject to an obligation of assignment to the same person. Thus, the Hitchcock patent qualifies as prior art only under 35 U.S.C. § 102(e). Therefore, the Hitchcock patent cannot be used in a 35 U.S.C. § 103 rejection to preclude patentability. As such, the rejection is improper and should be withdrawn.

In view of the above, Applicants respectfully submit that Oberhauser and Hitchcock, taken alone or in combination, fail to teach or fairly suggest the features of independent claims 1, 12, 14 and 25. At least by virtue of their dependency on independent claims 1, 14 and 25, the features of dependent claims 3, 4, 9, 11, 16, 17, 22, 24, 27, 28, 33 and 35 are not taught by Oberhauser and Hitchcock, whether taken alone or in combination. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 1, 3, 4, 9-14, 16, 17, 22-25, 27, 28, 33, 34 and 35 under 35 U.S.C. § 103(a).

IV. 35 U.S.C. § 103, Alleged Obviousness, Claims 2, 15 and 26

The Office Action rejects claims 2, 15 and 26 under 35 U.S.C. § 103(a), as being allegedly unpatentable by Seon (U.S. Patent No. 6,574,755 B1) as applied to claims 1, 14 and 25 above, and further in view of Chen et al. (U.S. Patent No. 6,591,324 B1). This rejection is respectfully traversed.

Claims 2, 15 and 26 are dependent on independent claims 1, 14 and 25 and, thus, these claims distinguish over Seon for at least the reasons noted above with regards to claims 1, 14 and 25. Moreover, Chen does not provide for the deficiencies of Seon and, thus, any alleged combination of Seon and Chen would not be sufficient to reject independent claims 1, 14 and 25 or claims 2, 15 and 26 by virtue of their dependency.

Moreover, the Office Action may not use the claimed invention as an "instruction manual" or "template" to piece together the teachings of the prior art so that the invention is rendered obvious. *In re Fritch*, 972 F.2d 1260, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992). Such reliance is an impermissible use of hindsight with the benefit of Applicant's disclosure. *Id.* Therefore, absent some teaching, suggestion, or incentive in the prior art, Seon and Chen cannot be properly combined to form the claimed invention. As a result, absent any teaching, suggestion, or incentive from the prior art to make the proposed

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combination, the presently claimed invention can be reached only through an impermissible use of hindsight with the benefit of Applicant's disclosure a model for the needed changes.

In view of the above, Seon and Chen, taken either alone or in combination, fail to teach or suggest the specific features recited in independent claims 1, 14 and 25, from which claims 2, 15 and 26 depend. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 2, 15 and 26 under 35 U.S.C. § 103.

V. 35 U.S.C. § 103, Alleged Obviousness, Claims 2, 15 and 26

The Office Action rejects claims 2, 15 and 26 under 35 U.S.C. § 103(a), as being allegedly unpatentable by Oberhauser (U.S. Patent No. 6,711,702 B1) as applied to claims 1, 14 and 25 above, and further in view of Chen et al. (U.S. Patent No. 6,591,324 B1). This rejection is respectfully traversed.

Claims 2, 15 and 26 are dependent on independent claims 1, 14 and 25 and, thus, these claims distinguish over Oberhauser for at least the reasons noted above with regards to claims 1, 14 and 25. Moreover, Chen does not provide for the deficiencies of Oberhauser and, thus, any alleged combination of Oberhauser and Chen would not be sufficient to reject independent claims 1, 14 and 25 or claims 2, 15 and 26 by virtue of their dependency.

Moreover, the Office Action may not use the claimed invention as an "instruction manual" or "template" to piece together the teachings of the prior art so that the invention is rendered obvious. *In re Fritch*, 972 F.2d 1260, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992). Such reliance is an impermissible use of hindsight with the benefit of Applicant's disclosure. *Id.* Therefore, absent some teaching, suggestion, or incentive in the prior art, Oberhauser and Chen cannot be properly combined to form the claimed invention. As a result, absent any teaching, suggestion, or incentive from the prior art to make the proposed combination, the presently claimed invention can be reached only through an impermissible use of hindsight with the benefit of Applicant's disclosure a model for the needed changes.

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In view of the above, Oberhauser and Chen, taken either alone or in combination, fail to teach or suggest the specific features recited in independent claims 1, 14 and 25, from which claims 2, 15 and 26 depend. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 2, 15 and 26 under 35 U.S.C. § 103.

VI. 35 U.S.C. § 103, Alleged Obviousness, Claims 3, 6, 7, 16, 19, 20, 27, 30 and 31

The Office Action rejects claims 3, 6, 7, 16, 19, 20, 27, 30 and 31 under 35 U.S.C. § 103(a), as being allegedly unpatentable by Seon (U.S. Patent No. 6,574,755 B1) as applied to claims 1, 14 and 25 above. This rejection is respectfully traversed.

Claims 3, 6, 7, 16, 19, 20, 27, 30 and 31 are dependent on independent claims 1, 14 and 25 and, thus, these claims distinguish over Seon for at least the reasons noted above with regards to claims 1, 14 and 25.

Thus, in view of the above, Seon fails to teach or suggest the specific features recited in independent claims 1, 14 and 25, from which claims 3, 6, 7, 16, 19, 20, 27, 30 and 31 depend. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 3, 6, 7, 16, 19, 20, 27, 30 and 31 under 35 U.S.C. § 103.

VII. 35 U.S.C. § 103, Alleged Obviousness, Claims 6, 7, 19, 20, 30 and 31

The Office Action rejects claims 6, 7, 19, 20, 30 and 31 under 35 U.S.C. § 103(a), as being allegedly unpatentable by Oberhauser (U.S. Patent No. 6,711,702 B1) as applied to claims 1, 14 and 25 above. This rejection is respectfully traversed.

Claims 6, 7, 19, 20, 30 and 31 are dependent on independent claims 1, 14 and 25 and, thus, these claims distinguish over Oberhauser for at least the reasons noted above with regards to claims 1, 14 and 25.

In view of the above, Oberhauser fails to teach or suggest the specific features recited in independent claims 1, 14 and 25, from which claims 6, 7, 19, 20, 30 and 31 depend. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 6, 7, 19, 20, 30 and 31 under 35 U.S.C. § 103.

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VIII. Conclusion

It is respectfully urged that the subject application is patentable over the prior art of record and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,

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